

The Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

JULIE DALESSIO, an individual,

Plaintiff,

v.

UNIVERSITY OF WASHINGTON, a
Washington Public Corporation; ELIZA
SAUNDERS, Director of the Office of
Public Records, in her personal and
official capacity; ALISON SWENSON,
Compliance Analyst, in her personal
capacity; PERRY TAPPER, Public
Records Compliance Officer, in his
personal capacity; ANDREW PALMER,
Compliance Analyst, in his personal
capacity; JOHN or JANES DOES 1-12, in
his or her personal capacity,

Defendants.

No. 2:17-cv-00642-MJP

DEFENDANT PERRY TAPPER'S
RESPONSES TO PLAINTIFF'S FIRST
SET OF DISCOVERY REQUESTS

PRELIMINARY OBJECTIONS.

Defendant Tapper objects to Plaintiff's preambulatory language and "instructions" in that they attempt to impose obligations beyond those found in the civil rules. Defendant will provide responses pursuant to Fe. R.Civ.P. 16, 33, and 34. Furthermore, Mr. Tapper's responses to these requests was already provided to Plaintiff's counsel in discovery responses served on July 6 and August 6, 2018.

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INTERROGATORIES

1. Please fully identify all persons, personnel, representatives, businesses and agencies who have examined, copied, or had access to employee records and documents pertaining to Plaintiff. In answering this Interrogatory, please include the person's job title, placement, and responsibilities in the organization. Include identification of persons who had access to Plaintiff's records as a part of their day-to-day job, and identification of the present locations and custodians of these records. The scope applies to locations and custodians both before and after the requests at issue in this lawsuit. Identify the records accessed by each of the persons, personnel, representatives, businesses and agencies.

- In identifying the documents contained in the PR 2016-00760, Defendants should refer to the file names and page numbers that have been filed in the court records, under seal, as Dkt. 38.
- In identifying the documents contained in the PR 2015-00570, Defendants should refer to the page numbers used in a specific docket filed with this Court.

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington:
- B. Eliza Saunders:
- C. Perry Tapper:
- D. Alison Swenson:
- E. Andrew Palmer:

RESPONSE: OBJECTION. This request is unduly burdensome, overbroad, not proportional to the needs of the case, not reasonably calculated to lead to the discovery of admissible evidence, vague ("employee records and documents") and irrelevant to the claims in Plaintiff's Amended Complaint.

1 Without waiving the foregoing objection, Plaintiff's "employee records and
2 documents" begin in 1987 when she was first hired by the University of Washington. She
3 left her employment with the University in 2003, fourteen years before she filed this lawsuit.
4 During that time period, there may be any number of persons who may have "had access to"
5 some records somehow related to Plaintiff, including Human Resources employees and
6 Plaintiff's supervisors.

7 Additionally, this request has no limit as to the years Plaintiff is seeking this
8 information for, and in fact explicitly requests the same information for new individuals who
9 may have access to these records at any point during litigation and discovery in this lawsuit.
10 It would be extremely burdensome to provide this information for any person who may have
11 accessed any information for any reason.

12 Further, PR 16-00760 alone is 1,142 pages, and it is undisputed that the documents
13 released in response to this request were only produced to Plaintiff herself, not to any third
14 parties outside the University. It is not proportional to the needs of the case (especially
15 given Plaintiff's remaining claims based on allegations of "invasion of privacy") to
16 determine who may have had access to each page at some point in time over the past thirty
17 years as part of routine business practices, including when the page may not have been part
18 of a particular "file".

19 Plaintiff's Dkt. No. 38 was filed with the court via computer disk, and lists each
20 separate document as a separate .pdf as opposed to one combined document. For purposes of
21 discovery and litigation management, the University has combined .pdfs regarding the
22 various requests and Bates-stamped them with a numbering system UW00001-UW00XXX.
23 Plaintiff has been provided these Bates-stamped documents and corresponding information
24 about the documents. The references herein will be to those numbered documents.

25 Without waiving said objections, I do not have personal knowledge of this
26 information, and would obtain it from reviewing University documents already provided to
27

1 Plaintiff. It is my understanding that OPR Compliance Analyst Alison Swenson accessed
 2 records transmitted to the OPR as responsive to PR-2015-570 in the course of her job duties
 3 processing this request, and that Compliance Analyst Andrew Palmer accessed records
 4 transmitted to the OPR as responsive to PR-2016-760 in the course of his job duties
 5 responsive to this request.

6 2. Please fully identify communications, for any and all current and former
 7 employees of the University of Washington and University of Washington Medicine, any
 8 form, with any person (excluding your attorneys), regarding the matters alleged in Plaintiff's
 9 Complaint, state: (a) The identity of the person(s) with whom such communications were
 10 made; (b) What was said to the person(s) identified in subsection (a); and (c) The date and
 11 form (written or oral) of each such communications.

12 This interrogatory is addressed separately to and should be answered separately by:

- 13 A. University of Washington
- 14 B. Eliza Saunders
- 15 C. Perry Tapper
- 16 D. Alison Swenson
- 17 E. Andrew Palmer

18 **RESPONSE: OBJECTION.** Defendants object to this interrogatory to the extent it
 19 calls for privileged Attorney-Client communications, Work Product, or University Claim
 20 Services claim files and databases that are confidential under state law, RCW 4.92.210(2)
 21 and (6) and RCW 43.19.781(3) which protects claim management, evaluation, and
 22 negotiation, is vague ("matters alleged in Plaintiff's Complaint") and overbroad. Plaintiff's
 23 request for "all communications" in any form by any current and former employees
 24 regarding "the matters alleged in Plaintiff's Complaint" is far outside the bounds of what is
 25 proportional to the needs of this case and extremely overbroad and unduly burdensome.
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 27

1 In addition to Plaintiff's broad allegations, including a breach of contract claim that
 2 refers back to a separation agreement executed when she left her employment in 2003,
 3 Plaintiff's Complaint includes discussion of other current or former employees at the
 4 University of Washington regarding whom she has made public records requests since after
 5 she filed her lawsuit in 2017, none of whom have any relation to Plaintiff's claims based on
 6 release of her records prior to those dates. Without waiving said objections, *see*,
 7 Defendants' response to Interrogatory Number 1, and the documents and descriptions
 8 provided in Defendant's Supplemental Initial Disclosures, sent to Plaintiff on May 18, 2018.

9 Without waiving the foregoing objection, I had a telephone call from Ms. Dalessio
 10 on or about May 20, 2016 after documents responsive to PRA-2016-00760 had been
 11 produced to Ms. Dalessio. I did not make keep notes of the conversation as it was not
 12 associated with an open request. Typically, each Compliance Analyst is responsible for his
 13 or her own case file, including making exemptions and/or redactions, and production of
 14 documents to requestors. I routinely speak with Compliance Analysts in the Office of Public
 15 Records and Open Meetings regarding questions or issues that may come up regarding a
 16 Public Records Request or response. I believe I spoke with Alison Swenson regarding one of
 17 Ms. Dalessio's requests and it is possible I reviewed a document if we discussed it, but do I
 18 not recall the exact subject matter or discussion.

19 3. Please identify all person or persons who made redactions, and which pages
 20 those persons or persons redacted for request PR 2015-00570.

21 This interrogatory is addressed separately to and should be answered separately by:

22 A. University of Washington:

23 B. Eliza Saunders:

24 C. Perry Tapper:

25 D. Alison Swenson:

26 E. Andrew Palmer:
 27

RESPONSE: OBJECTION. The documents speak for themselves.

Without waiving the foregoing objection, it is my understanding Compliance Analyst Alison Swenson made all redactions to PR 2015-00570 that are identified on the PR-2015-00570.

4. Please identify with specificity the location of each of the documents produced in PR 2015-00570 and PR 2016-00760. The specificity of the location should include: the department, the building, whether the location was secure (if so, how was it secure).

This interrogatory is addressed separately to and should be answered separately by:

- A. University of Washington:
- B. Eliza Saunders:
- C. Perry Tapper:
- D. Alison Swenson:
- E. Andrew Palmer:

RESPONSE: OBJECTION. This request is unduly burdensome; overbroad; not proportional to the needs of the case; not reasonably calculated to lead to the discovery of admissible evidence; irrelevant. Without waiving said objections, *see*, Defendant's Supplemental Initial Disclosures, sent to Plaintiff on May 18, 2018 for citations to documents and descriptions of who located and/or found the documents and where they were located when collected for transmittal to the Office of Public Records.

Without waiving the foregoing objection, I do not have personal knowledge of this information; I would have to review and research the same documents produced by the University to Plaintiff to see the email trail of who transmitted documents to the OPR. I do not have personal knowledge of the security of various buildings other than the Office of Public Records and Open Meetings, which is located behind doors that remain locked at all times. OPR staff including analysts Alison Swenson and Andrew Palmer had access to the

1 records associated with the various public records requests they were responsible for
 2 processing. Once copies of records are received by the OPR, they are maintained
 3 electronically on a computer system in the office that is password protected and accessible
 4 only by OPR staff.

5 5. Please identify any and all persons who had access to each of the locations
 6 identified in Interrogatory number four (4). This should include current and former
 7 employees, current and former contract workers, members of the public, or students of the
 8 University of Washington or University of Washington Medicine.

9 This interrogatory is addressed separately to and should be answered separately by:

- 10 A. University of Washington
- 11 B. Eliza Saunders
- 12 C. Perry Tapper
- 13 D. Alison Swenson
- 14 E. Andrew Palmer

15 **RESPONSE: OBJECTION.** This request is unduly burdensome, overbroad, not
 16 proportional to the needs of the case, not reasonably calculated to lead to the discovery of
 17 admissible evidence, and vague (“locations”). However, the physical location requested in
 18 Interrogatory Number 4 was a “department” or “building.” Even if this was narrowed to
 19 simply the room the file was kept in, it would still be inordinately disproportionate to the
 20 needs of the case to have Defendants somehow track down each person who may have “had
 21 access to” each of the locations at any point in in the past 15-30 years.

22 Without waiving the foregoing objection, OPR staff including analysts Alison
 23 Swenson (PR-2015-00570) and Andrew Palmer (PR 201616-00760) had access to the
 24 records associated with the various public records requests they were responsible for
 25 processing. Once copies of records are received by the OPR, they are maintained
 26 electronically on a computer system in the office that is password protected and accessible
 27

1 only by OPR staff.

2 6. Please fully identify the person or persons who redacted the document and
3 stamped the document with the statutory exemptions, in Dkt. 30-2, page 131. To help
4 identify the document in question, it is on a "Children's Hospital & Medical Center"
5 letterhead. The document is written by Rhoda L. Ashley, PHD.

6 This interrogatory is addressed separately to and should be answered separately by:

7 A. University of Washington

8 B. Eliza Saunders

9 C. Perry Tapper

10 D. Alison Swenson

11 E. Andrew Palmer

12 **RESPONSE:**

13 I do not have personal knowledge of this; however, it is my understanding Alison
14 Swenson was the Compliance Analyst who processed PR-2015-00570 and she made the
15 redactions to these documents.

16
17 Answers and Responses dated: October 4, 2018

18 I, Perry Tapper, am a Defendant in the above-named lawsuit. I have reviewed
19 DEFENDANT PERRY TAPPER'S RESPONSES TO PLAINTIFF'S FIRST SET OF
20 DISCOVERY REQUESTS, and I declare under the penalty of perjury under the laws of the
21 state of Washington that they are true and correct to the best of my knowledge and belief.

22
23 
24 _____
Perry Tapper

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Responses submitted and certified in compliance with FRCP 26(g).

KEATING, BUCKLIN & McCORMACK, INC., P.S.

By: /s/ Jayne L. Freeman

Jayne L. Freeman, WSBA #24318
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DECLARATION OF SERVICE

I declare under penalty of perjury under the laws of the State of Washington that on October 4, 2018, a true and correct copy of the foregoing DEFENDANT PERRY TAPPER'S RESPONSES TO PLAINTIFF'S FIRST SET OF DISCOVERY REQUESTS was served upon the parties listed below via the method indicated:

Attorneys for Plaintiff

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☒ E-mail ☒ United States Mail

DATED this 4th day of October, 2018, at Seattle, Washington.

/s/ LaHoma Walker

LaHoma Walker, Legal Assistant